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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,689	04/13/2004	Jun Kamada	1341.1201	2895
21171	7590	10/26/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER KANE, CORDELIA P	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 10/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/822,689	Applicant(s) KAMADA ET AL.	
	Examiner Cordelia Kane	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed September 10, 2007, with respect to 101 and 112 have been fully considered and are persuasive. The rejections of claims 5, and 10 – 16 with regard to 112 and 101 have been withdrawn.
2. Applicant's arguments in reference to 102 and 103 have been fully considered but they are not persuasive. Applicant argues that Keller does not teach executing the command when the input command is included in the set of commands corresponding to the current operation mode. However, Keller clearly discloses that when an API call is made and that the desired color depth and spatial resolution are the same as the current mode, that it simply returns (column 27, lines 17-21). Therefore the color depth and spatial resolution are executed as requested by the command and without changing the operating mode.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by James A. Keller et al's US Patent 5,752,032. Referring to claims 17, 27 and 28, Keller teaches:

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- a. An input unit that inputs a command that can be executed by using a firmware or a logic circuit (column 27, lines 9-11).
 - b. A storing unit that stores a plurality of operating mode, each one of the modes corresponding to a different set of commands that are available when the each one of the operating modes is set (column 33, lines 10-11).
 - c. A determining unit that determines whether the input command is included or not in the set of commands corresponding to a current operation mode (column 27, lines 19-23).
 - d. An execution unit that executes the input command by using the firmware or the logic circuit, when the input command is included in the set of commands corresponding to the current operation mode (column 27, lines 17-21).
5. Referring to claims 18 and 29, Keller teaches that the input unit inputs an operation mode adding command for storing a new operation mode in the storing unit, and the execution unit makes the storing unit store the new operating mode (column 28, lines 6-10).
 6. Referring to claims 20 and 31, Keller teaches a firmware acquiring command for acquiring a new firmware, and then acquiring that firmware (column 9, lines 35-39).
 7. Referring to claims 23 and 34, Keller teaches that the execution unit includes an access control unit that controls access to resources according to the current operation mode and the resources are required during execution of the input command (column 9, lines 3-12).
 8. Referring to claims 24 and 35, Keller teaches:

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- e. An operation mode deleting unit that deletes a specified operation mode from the storing unit (column 36, lines 21-22).
 - f. A firmware deleting unit that deletes firmware corresponding to the operation mode deleted (column 36, lines 12-14).
9. Referring to claims 25, and 36, Keller teaches requesting an external emulator to execute the input command when the input command is not included in the set of commands corresponding to the current operation mode (column 36, lines 35-44). While it does not explicitly state that an error occurred, it is inherent that the system must have encountered an error to be able to detect that the application was in a legacy format.

Claim Rejections - 35 USC § 103

10. Claims 19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller and further in view of Heinonen et al's US Patent 6,633,758 B1. Keller discloses all the limitations of the parent claims. Keller does not explicitly disclose storing the new operation mode when the number of commands is greater than the number of commands corresponding to any one of the operating modes. However, Heinonen discloses creating a new operational mode consisting of existing parameters from existing operational modes and adding additional application specific parameters (column 3, lines 4-10). Keller and Heinonen are analogous art because they are from the same field of endeavor, communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Keller and Heinonen before him or her, to modify the system of Keller to include the

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addition of operating modes of Heinonen. The suggestion/motivation for doing so would have been to have more available applications (column 1, line 67-column 2, line 11).

11. Claims 21, 22, 32, and 33 are rejected under 35 USC 103 (a) as being obvious over Keller in view of Bryon Nevis et al's US Patent 6,581,159. Referring to claims 22 and 33, Keller discloses all the limitations of the parent claims. Keller does not appear to explicitly disclose encrypting the firmware with a digital signature. However, Nevis discloses using digital signature techniques to validate the firmware (column 4, lines 28-30). Keller and Nevis are analogous art because they are from the same field of endeavor, of changing operating modes. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Keller and Nevis before him or her, to modify Keller to include the encryption of Nevis. The motivation for doing so would have been that it is more secure and resistant to tampering (column 1, 26-27).

12. Referring to claims 21 and 32, the digital signature technique, as described in claims 22 and 33, is an encryption/decryption method, therefor claims 21 and 32 are also rejected.

13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller, in view of Mark Biondi's US Patent 6,622,246 and further in view of Brent Gregory et al's US Patent 5,748,488. Referring to claim 26, Keller discloses all the limitations of the parent claim, as well as acquiring firmware (column 9, lines 35-39). Keller does not

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appear to explicitly disclose loading logic circuit data instead of firmware. However, Biondi discloses using a logic circuit instead of firmware (column 6, lines 26-30). At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Keller and Biondi before him or her, to modify the firmware acquiring of Keller to include using a logic circuit instead of Biondi. The motivation for doing so is that any machine capable of performing the steps of the firmware could be used to replace it (column 6, lines 32-35).

14. Keller in view of Biondi does not appear to disclose how to implement the logic circuit that is replacing the firmware. Gregory discloses that to generate a logic circuit all that is needed is the information on the signals (column 2, lines 28-30). Therefore instead of passing the actual firmware, as taught by Keller, one would need to pass the data on the signals. Gregory goes on to disclose how to generate that logic circuit after receiving the appropriate information on the signals (column 2, lines 40-42). At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Keller, Biondi and Gregory before him or her, to modify Keller in view of Biondi to include generating the logic circuit of Gregory. Therefore it would have been obvious after modifying Keller with Biondi to include how to implement the logic circuit mentioned as taught by Gregory.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cordelia Kane whose telephone number is 571-272-7771. The examiner can normally be reached on Monday - Thursday 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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